

**APPLICATION FOR VARIANCE**

State Form 44400 (R4 / 6-10)

Approved by State Board of Accounts, 2008

INDIANA DEPARTMENT OF HOMELAND SECURITY
CODE SERVICE SECTION
402 West Washington Street, Room W246
Indianapolis, IN 46204-2739
http://www.in.gov/dhs/fire/fp_bs_comm_code/



INSTRUCTION: Please refer to the attached four (4) page instructions.
Attach additional pages as needed to complete this application.

Variance number (Assigned by department)

1. APPLICANT INFORMATION (Person who would be in violation if variance is not granted; usually this is the owner)

Name of the applicant

Dale Pfeifer

Title

Director of Real Estate Development

Name of organization

Browning Investments, LLC

Telephone number

(317) 344-7349

Address (number and street, city, state, and Zip code)

6100 West 96th Street Indianapolis, Indiana 46278**2. PERSON SUBMITTING APPLICATION ON BEHALF OF THE APPLICANT** (if not submitted by the applicant)

Name of person on behalf of the applicant

Edwin L. Rensink

Title

Principal

Name of organization

RTM Consultants, Inc.

Telephone number

(317) 329-7700

Address (number and street, city, state, and Zip code)

6640 Parkdale Place, Suite J., Indianapolis, Indiana 46254**3. DESIGN PROFESSIONAL OF RECORD** (if applicable)

Name of design professional

Greg E. Jacoby, AIA

License number

AR00860208

Name of organization

Browning Day Mullins Dierdorf Architects

Telephone number

(317) 635-5030

Address (number and street, city, state, and Zip code)

626 North Illinois Street Indianapolis, Indiana 46204**4. PROJECT IDENTIFICATION**

Name of project

Marian University Graduate Student Housing

State project number

370910

County

Marion County

Site Address (number and street, city, state, and Zip code)

3200 Cold Spring Road Indianapolis, Indiana 46222Type of project: ☒ New ☐ Addition ☐ Alteration ☐ Change of Occupancy ☐ Existing**5. REQUIRED ADDITIONAL INFORMATION**

The following required information has been included with this application (check as applicable):

- ☒ A check made payable to the Indiana Department of Homeland Security for the appropriate amount. (see instructions)
- ☒ One (1) set of plans or drawings and supporting data that describe the area affected by the requested variance and any proposed alternatives.
- ☒ Written documentation showing that the local fire official has received a copy of the variance application.
- ☒ Written documentation showing that the local building official has received a copy of the variance application.

6. VIOLATION INFORMATION

Has the Plan Review Section of the Division of Fire & Building Safety issued a Correction Order?

☐ Yes (if yes, attach a copy of the Correction Order) ☒ NoHas a violation been issued? Yes (if yes, attach a copy of the Violation and answer the following) ☒ NoViolation Issued by: ☐ Local Building Department ☐ State Fire and Building Code Enforcement Section
☐ Local Fire Department

7. DESCRIPTION OF REQUESTED VARIANCE

Name of code or standard and edition involved

2008 Indiana Building Code

Specific code section

705, 503.1

Nature of non-compliance (include a description of spaces, equipment, etc. involved as necessary)

A 2-hour fire barrier will be used to separate the structure into separate building areas in lieu of structurally stable fire walls. The separation is required based upon allowable area per floor for Type VA Construction. Area per floor is 22,800 square feet. Allowable area is 21,000 square feet per floor. Without a fire wall the building exceeds allowable area by approximately 8.5% per floor. The fire barrier is being introduced into the project well after the start of construction - see statement of undue hardship below.

The building is 4 stories in height, and is classified as R-2 Occupancy and Type VA Construction.

8. DEMONSTRATION THAT PUBLIC HEALTH, SAFETY, AND WELFARE WILL BE PROTECTED

Select one of the following statements:

- ☒ Non-compliance with the rule will not be adverse to the public health, safety or welfare; or
- ☐ Applicant will undertake alternative actions in lieu of compliance with the rule to ensure that granting of the variance will not be adverse to public health, safety, or welfare. Explain why alternative actions would be adequate (be specific).

Facts demonstrating that the above selected statement is true:

1. The proposed fire barrier will divide each floor into two (2) areas; 14,650 sq ft and 8,150 sq ft. The fire barrier will align vertically from the 1st floor to the roof deck.
2. The building will be protected throughout with an automatic sprinkler system per NFPA 13R.
3. Several variances have been granted for other recent residential buildings to permit either lack of structural stability or to use fire barriers in lieu of fire walls, some with use of an NFPA 13R sprinkler system, including 12-10-22(d), 13-08-41c, 13-09-47(a), and 14-02-42(a).

9. DEMONSTRATION OF UNDUE HARDSHIP OR HISTORICALLY SIGNIFICANT STRUCTURE

Select one of the following statements:

- ☐ Imposition of the rule would result in an undue hardship (unusual difficulty) because of physical limitations of the construction site or its utility services
- ☐ Imposition of the rule would result in an undue hardship (unusual difficulty) because of major operational problems in the use of the building or structure
- ☒ Imposition of the rule would result in an undue hardship (unusual difficulty) because of excessive costs of additional or altered construction elements
- ☐ Imposition of the rule would prevent the preservation of An architecturally or a historically significant part of the building or structure.

Facts demonstrating that the above selected statement is true:

The project was issued a Design Release in April, 2014, and subsequently a City Permit, without a fire wall. The plans indicated the use of an NFPA 13R sprinkler system, and indicated use of the NFPA 13R sprinkler system for area increases. This error was discovered only after sprinkler plans were submitted for Design Release in early November, 2014. 1st floor framing and part of the 2nd floor framing is complete. The cost of converting to an NFPA 13 system would be at least \$60,000 construction cost- this would also add more than a month to the schedule, which would result in missing the beginning of the next school year, and consequently a very large financial impact.

10. STATEMENT OF ACCURACY

I hereby certify under penalty of perjury that the information contained in this application is accurate

Signature of applicant or person submitting application



Please print name

Edwin L. Rensink

Date of signature (month, day, year)

12-18-14

Signature of design professional (if applicable)



Please print name

Greg E. Jacoby, AIA

Date of signature (month, day, year)

12/11/14

11. STATEMENT OF AWARENESS (If the application is submitted on the applicant's behalf, the applicant must sign the following statement)

I hereby certify under penalty of perjury that I am aware of this request for variance and that this application is being submitted on my behalf.

Signature of applicant



Please print name

Dale Pfeifer

Date of signature (month, day, year)

12/10/14

